

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ANGELO MIKALE BREASHEARS,
“J.M.,” and “C.M.”

Case No. 21-CV-0713 (PJS/KMM)

Plaintiffs,

v.

ORDER

DOROTHY DAY LIMITED
PARTNERSHIP LLC, MICHELLE
LONGWERTH, and CATHOLIC
CHARITIES,

Defendants.

Based upon the Report and Recommendation by United States Magistrate Judge Katherine M. Menendez dated April 12, 2021 (ECF No. 5 (“April 2021 R&R”)), along with all the files and records, and no objections to said Recommendation having been filed, **IT IS HEREBY ORDERED** that Plaintiff Angelo Mikale Breashears’s Complaint (ECF No. 1) is **DISMISSED WITH PREJUDICE** as to claims by Breashears on behalf of his children.

Furthermore, based upon the April 2021 R&R’s order that Breashears file an amended complaint, along with all the files and records, and no amended complaint having been filed, **IT IS HEREBY ORDERED THAT:**

1. the remainder of the Complaint is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute under Federal Rule of Civil Procedure 41(b); and
2. Breashears's Application to Proceed in District Court Without Prepaying Fees or Costs (ECF No. 2) is **DENIED** as moot.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 20, 2021

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge